UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/323,135	06/01/1999	CHRISTIAN LAROQUE	Q054622	8820

23373 7590 06/27/2007

SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

EXAMINER	
MOORE JR, MICHAEL J	

ART UNIT	PAPER NUMBER
2616	

MAIL DATE	DELIVERY MODE
06/27/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/323,135	LAROQUE ET AL.	
	Examiner	Art Unit	
	Michael J. Moore, Jr.	2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *10 April 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-25* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-25* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims **17-21** are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Specifically new claims **17-21** are directed to "a computer readable medium storing instructions". Examiner was unable to find adequate support in the originally filed specification for "a computer readable medium storing instructions". Therefore these claims constitute new matter.

Amendments made by Applicant to claims **2 and 12** to obviate the rejection of claim **12** under 35 U.S.C. 112 1st paragraph presented in the previous Office Action are proper and have been entered. This rejection has been withdrawn.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the

> applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims **1-25** are rejected under 35 U.S.C. 102(e) as being anticipated by Dunn et al. (U.S. 6,324,280) (hereinafter "Dunn"). *Dunn* teaches all of the limitations of the specified claims with the reasoning that follows.

Regarding claim **1**, "a circuit switch" is anticipated by the originating switch 1 (circuit switch) of Figure 1.

"A coupler accessing signaling channels to transmit signaling messages" is anticipated by network 6 (coupler) of switch 1 used for establishing connections between the PSTN and the Internet or toll network as spoken of on column 2, lines 53-55.

"An interpreter producing a signaling configuration upon receiving an order to send a signaling message, wherein a type of signaling channel is selected from the signaling channels accessible to the coupler and the signaling configuration produced depends on the selected type of signaling channel" is anticipated by processor 5 (interpreter) of switch 1 of Figure 1 that receives a request (order) to establish a connection from originating station 25, analyzes the digits of the call request, determines whether to route the call either over the Internet or the toll network based on the analysis, and then generates appropriate call setup signaling (configuration) for either the toll network (conventional call setup) or the Internet (IAM message) as spoken of on column 4, lines 5-18.

"A receiver for adding a receive flag to a received signaling message" is anticipated by terminating toll switch 2 (receiver) that in response to receipt of initial address message (IAM) 40, returns an IAM acknowledgement containing the same call ID as well as an added field IP 2 47 indicating the IP address of the terminating toll switch 2 as shown in Figure 1 and spoken of on column 3, lines 45-50.

Lastly, "wherein the order is a predetermined constant character string" is anticipated by the call origination containing dialed digits (string) as spoken of on column 3, lines 18-21 as well as column 4, lines 5-8.

Regarding claim **2**, "a detector recognizing whether the received signaling message is addressed to the switch based on a destination of the received signaling message" is anticipated by terminating toll switch 2 that receives an initial address message (IAM) 40 indicating the IP address of the originating switch 1 as spoken of on column 3, lines 39-45.

"A processor processing the signaling message when the switch is a destination for the signaling message" is anticipated by terminating toll switch 2 that in response to receipt (processing) of initial address message (IAM) 40, returns an IAM acknowledgement containing the same call ID as well as an added field IP 2 47 indicating the IP address of the terminating toll switch 2 as shown in Figure 1 and spoken of on column 3, lines 45-50.

Lastly, "a translator replacing the receive flag with the predetermined character string when the switch is not the destination for the signaling message" is anticipated by terminating toll switch 2 that responds to a packet identifying the call associated with its

identification by sending a packet containing the same call identifier replaced with an identifier of the originating switch 1 as spoken of on column 3, lines 63-67.

Regarding claims **3 and 18**, "adding to the signaling message a predetermined send order for the signaling message, the adding further comprises the switch receiving the signaling message in a receiving exchange and adding a receive flag to the signaling message" is anticipated by a request (send order) to establish a connection from originating station 25, as well as terminating toll switch 2 (switch) that in response to receipt of initial address message (IAM) 40, returns an IAM acknowledgement containing the same call ID as well as an added field IP 2 47 (receive flag) indicating the IP address of the terminating toll switch 2 as shown in Figure 1 and spoken of on column 3, lines 45-50.

"Interpreting the send order in an interpreter of the switch to produce a signaling configuration of the switch, the signaling configuration produced depends on a selected type of signaling channel, wherein the type of signaling channel is selected from the signaling channels available to the switch" is anticipated by processor 5 (interpreter) of switch 1 of Figure 1 that receives a request (order) to establish a connection from originating station 25, analyzes the digits of the call request, determines whether to route the call either over the Internet or the toll network (types of signaling channels) based on the analysis, and then generates appropriate call setup signaling (configuration) for either the toll network (conventional call setup) or the Internet (IAM message) as spoken of on column 4, lines 5-18.

"Outputting, from the circuit switch, the signaling message with the added predetermined send order and in the produced signaling configuration" is anticipated by the sending of the appropriate call signaling over the network as spoken of on column 4, lines 12-18.

Lastly, "wherein the receive flag is a specified constant and the predetermined send order is a specified constant character string" is anticipated by the IAM acknowledgement containing the same call ID as well as an added field IP 2 47 (receive flag) indicating the IP address (specified constant) of the terminating toll switch 2 as shown in Figure 1 and spoken of on column 3, lines 45-50, as well as the call origination containing dialed digits (character string) as spoken of on column 3, lines 18-21 as well as column 4, lines 5-8.

Regarding claim **4**, "the destination of the signaling message is tested, and if a destination of the signaling message is different from the receiving exchange, the flag is replaced by the predetermined character string" is anticipated by terminating toll switch 2 that responds to a packet identifying the call associated with its identification by sending a packet containing the same call identifier replaced with an identifier of the originating switch 1 as spoken of on column 3, lines 63-67.

Regarding claim **5**, "wherein the interpreter is configured to process at least one of: an IP protocol, a frame relay protocol, an ATM protocol, a switched X25 protocol, a generic modem protocol, and a switched B channel protocol" is anticipated by the IP communication shown in Figure 1.

Regarding claim **6**, "wherein the interpreter is one of a microprocessor associated with a program and a working session in a processor running the switch" is anticipated by processor 5 (microprocessor) of the switch 1 of Figure 1.

Regarding claim **7**, "wherein the interpreter comprises a circuit configured to process at least one of: an IP protocol, a frame relay protocol, an ATM protocol, a switched X25 protocol, a generic modem protocol, and a switched B channel protocol" is anticipated by the IP communication shown in Figure 1.

Regarding claim **8**, "wherein the interpreter comprises one of a microprocessor associated with a program and a working session in a processor running the switch" is anticipated by processor 5 (microprocessor) of the switch 1 of Figure 1.

Regarding claim **9**, "a circuit switch" is anticipated by the originating switch 1 (circuit switch) of Figure 1.

"A coupler accessing signaling channels to transmit signaling messages" is anticipated by network 6 (coupler) of switch 1 used for establishing connections between the PSTN and the Internet or toll network as spoken of on column 2, lines 53-55.

"An interpreter producing a signaling configuration upon receiving an order to send a signaling message, the signaling configuration produced depends on the selected type of signaling channel" is anticipated by processor 5 (interpreter) of switch 1 of Figure 1 that receives a request (order) to establish a connection from originating station 25, analyzes the digits of the call request, determines whether to route the call either over the Internet or the toll network based on the analysis, and then generates

appropriate call setup signaling (configuration) for either the toll network (conventional call setup) or the Internet (IAM message) as spoken of on column 4, lines 5-18.

"A receiver for adding a receive flag to a received signaling message" is anticipated by terminating toll switch 2 (receiver) that in response to receipt of initial address message (IAM) 40, returns an IAM acknowledgement containing the same call ID as well as an added field IP 2 47 indicating the IP address of the terminating toll switch 2 as shown in Figure 1 and spoken of on column 3, lines 45-50.

"Wherein the order is a predetermined constant character string" is anticipated by the call origination containing dialed digits (string) as spoken of on column 3, lines 18-21 as well as column 4, lines 5-8.

"A detector recognizing whether the received signaling message is addressed to the switch" is anticipated by terminating toll switch 2 that receives an initial address message (IAM) 40 indicating the IP address of the originating switch 1 as spoken of on column 3, lines 39-45.

"A processor processing the signaling message when the switch is a destination for the signaling message" is anticipated by terminating toll switch 2 that in response to receipt (processing) of initial address message (IAM) 40, returns an IAM acknowledgement containing the same call ID as well as an added field IP 2 47 indicating the IP address of the terminating toll switch 2 as shown in Figure 1 and spoken of on column 3, lines 45-50.

"A translator replacing the receive flag with the predetermined character string when the switch is not the destination for the signaling message" is anticipated by

terminating toll switch 2 that responds to a packet identifying the call associated with its identification by sending a packet containing the same call identifier replaced with an identifier of the originating switch 1 as spoken of on column 3, lines 63-67.

Lastly, "wherein the coupler has a plurality of interfaces, wherein each of the interfaces provides access to one of the channels and wherein when a plurality of signaling channels are available to transmit the signaling messages, a next available signaling channel is selected in a chronological order and the signaling message is configured to produce the signaling configuration for the next available signaling channel" is anticipated by the signaling messages 40, 45, 50, 55 transmitted via CCS7 network 5 (interface) as well as Internet 10 (interface) as shown in Figure 1.

Regarding claim **10**, "wherein the predetermined constant character string remains unchanged regardless of a type of the available signaling channels" is anticipated by the call origination containing dialed digits (character string) as spoken of on column 3, lines 18-21 as well as column 4, lines 5-8.

Regarding claim **11**, "wherein when the signaling message is received by the switch, the receiver adds a receive flag to the signaling message and the detector checks the signaling message for the receive flag to determine whether the switch is a designated destination for the signaling message" is anticipated by terminating toll switch 2 (receiver) that in response to receipt of initial address message (IAM) 40, returns an IAM acknowledgement containing the same call ID as well as an added field IP 2 47 (receive flag) indicating the IP address of the terminating toll switch 2 as shown in Figure 1 and spoken of on column 3, lines 45-50.

Regarding claim **12**, "when the detector recognizes that the received signaling message is not addressed to the switch based on the destination, the detector forwards the received signaling message to the translator, and wherein, when the translator receives the signaling message from the detector, the translator replaces the receive flag with the predetermined constant character string regardless of the destination for the signaling message" is anticipated by terminating toll switch 2 that responds to a packet identifying the call associated with its identification by sending a packet containing the same call identifier replaced with an identifier of the originating switch 1 as spoken of on column 3, lines 63-67.

Regarding claim **13**, "wherein when the switch is not the destination, the translator replaces the receive flag with the predetermined constant character string regardless of the signaling configuration of the signaling message" is anticipated by terminating toll switch 2 that responds to a packet identifying the call associated with its identification by sending a packet containing the same call identifier replaced with an identifier of the originating switch 1 as spoken of on column 3, lines 63-67.

Regarding claim **14**, "wherein, when the switch adds the send order to the signaling message, the switch selects the type of signaling channel from the signaling channels available at the switch for transmitting the signaling message, and the interpreter of the switch produces the signaling configuration for the signaling message based on the selected type of signaling channel" is anticipated by processor 5 (interpreter) of switch 1 of Figure 1 that receives a request (order) to establish a connection from originating station 25, analyzes the digits of the call request,

determines whether to route the call either over the Internet or the toll network based on the analysis, and then generates appropriate call setup signaling (configuration) for either the toll network (conventional call setup) or the Internet (IAM message) as spoken of on column 4, lines 5-18.

Regarding claim **15**, "a circuit switch" is anticipated by the originating switch 1 (circuit switch) of Figure 1.

"A coupler accessing signaling channels of different types to transmit signaling messages" is anticipated by network 6 (coupler) of switch 1 used for establishing connections between the PSTN and the Internet or toll network (different types) as spoken of on column 2, lines 53-55.

"An interpreter producing a signaling configuration upon receiving an order to send a signaling message, wherein the signaling configuration produced for the signaling message depends on a selected type of signaling channel, and wherein the type of signaling channel is selected from different types of the signaling channels available at the coupler to transmit signaling messages" is anticipated processor 5 (interpreter) of switch 1 of Figure 1 that receives a request (order) to establish a connection from originating station 25, analyzes the digits of the call request, determines whether to route the call either over the Internet or the toll network based on the analysis, and then generates appropriate call setup signaling (configuration) for either the toll network (conventional call setup) or the Internet (IAM message) as spoken of on column 4, lines 5-18.

"A receiver for adding a receive flag to a received signaling message" is anticipated by terminating toll switch 2 (receiver) that in response to receipt of initial address message (IAM) 40, returns an IAM acknowledgement containing the same call ID as well as an added field IP 2 47 indicating the IP address of the terminating toll switch 2 as shown in Figure 1 and spoken of on column 3, lines 45-50.

"Wherein the order is a predetermined constant character string" is anticipated by the call origination containing dialed digits (string) as spoken of on column 3, lines 18-21 as well as column 4, lines 5-8.

Lastly, "wherein the selection of the type of signaling channel for producing the signaling configuration is based on a predetermined criteria" is anticipated by the choice of routing the call either over the Internet or over the toll network based on factors such as the present state of the networks, customer input, or dialed information (criteria) as spoken of on column 3, lines 10-21.

Regarding claim **16**, "wherein the coupler has a plurality of interfaces, wherein each of the interfaces provides access to one of the channels, and wherein when a plurality of signaling channels are available to transmit the signaling message, an available signaling channel is selected based on the predetermined criteria and the signaling message is configured to produce the signaling configuration for the available signaling channel" is anticipated by the signaling messages 40, 45, 50, 55 transmitted via CCS7 network 5 (interface) as well as Internet 10 (interface) as shown in Figure 1.

Regarding claim **17**, "accessing signaling channels to transmit signaling messages" is anticipated by network 6 (coupler) of switch 1 used for establishing

connections between the PSTN and the Internet or toll network as spoken of on column 2, lines 53-55.

"Producing a signaling configuration upon receiving an order to send a signaling message, wherein a type of signaling channel is selected from the signaling channels accessible to the coupler and the signaling configuration produced depends on the selected type of signaling channel" is anticipated by processor 5 of switch 1 of Figure 1 that receives a request (order) to establish a connection from originating station 25, analyzes the digits of the call request, determines whether to route the call either over the Internet or the toll network based on the analysis, and then generates appropriate call setup signaling (configuration) for either the toll network (conventional call setup) or the Internet (IAM message) as spoken of on column 4, lines 5-18.

"Adding a receive flag to a received signaling message" is anticipated by terminating toll switch 2 (receiver) that in response to receipt of initial address message (IAM) 40, returns an IAM acknowledgement containing the same call ID as well as an added field IP 2 47 indicating the IP address of the terminating toll switch 2 as shown in Figure 1 and spoken of on column 3, lines 45-50.

"Outputting the signaling message with the produced signaling configuration" is anticipated by the sending of the appropriate call signaling over the network as spoken of on column 4, lines 12-18.

Lastly, "wherein the order is a predetermined constant character string" is anticipated by the call origination containing dialed digits (string) as spoken of on column 3, lines 18-21 as well as column 4, lines 5-8.

Regarding claim **19**, "accessing signaling channels to transmit signaling messages" is anticipated by network 6 (coupler) of switch 1 used for establishing connections between the PSTN and the Internet or toll network as spoken of on column 2, lines 53-55.

"Producing a signaling configuration upon receiving an order to send a signaling message, the signaling configuration produced depends on the selected type of signaling channel" is anticipated by processor 5 (interpreter) of switch 1 of Figure 1 that receives a request (order) to establish a connection from originating station 25, analyzes the digits of the call request, determines whether to route the call either over the Internet or the toll network based on the analysis, and then generates appropriate call setup signaling (configuration) for either the toll network (conventional call setup) or the Internet (IAM message) as spoken of on column 4, lines 5-18.

"Adding a receive flag to a received signaling message" is anticipated by terminating toll switch 2 (receiver) that in response to receipt of initial address message (IAM) 40, returns an IAM acknowledgement containing the same call ID as well as an added field IP 2 47 indicating the IP address of the terminating toll switch 2 as shown in Figure 1 and spoken of on column 3, lines 45-50.

"Wherein the order is a predetermined constant character string" is anticipated by the call origination containing dialed digits (string) as spoken of on column 3, lines 18-21 as well as column 4, lines 5-8.

"Recognizing whether the received signaling message is addressed to the switch" is anticipated by terminating toll switch 2 that receives an initial address

message (IAM) 40 indicating the IP address of the originating switch 1 as spoken of on column 3, lines 39-45.

"Processing the signaling message when the switch is a destination for the signaling message" is anticipated by terminating toll switch 2 that in response to receipt (processing) of initial address message (IAM) 40, returns an IAM acknowledgement containing the same call ID as well as an added field IP 2 47 indicating the IP address of the terminating toll switch 2 as shown in Figure 1 and spoken of on column 3, lines 45-50.

Lastly, "replacing the receive flag with the predetermined character string when the switch is not the destination for the signaling message" is anticipated by terminating toll switch 2 that responds to a packet identifying the call associated with its identification by sending a packet containing the same call identifier replaced with an identifier of the originating switch 1 as spoken of on column 3, lines 63-67.

Regarding claim **20**, "wherein the coupler comprises a plurality of interfaces, wherein each of the interfaces provides access to one of the channels and wherein when a plurality of signaling channels are available to transmit the signaling messages, a next available signaling channel is selected in a chronological order and the signaling message is configured to produce the signaling configuration for the next available signaling channel" is anticipated by the signaling messages 40, 45, 50, 55 transmitted via CCS7 network 5 (interface) as well as Internet 10 (interface) as shown in Figure 1.

Regarding claim **21**, "wherein the selection of the type of signaling channel for producing the signaling configuration is based on a predetermined criteria" is anticipated

by the routing of the call over the Internet or toll network based on the present state (predetermined criteria) of the two networks as spoken of on column 3, lines 10-13.

Regarding claim **22**, "wherein the receive flag is replaced when the switch is not the destination of the signaling message" is anticipated by terminating toll switch 2 that responds to a packet identifying the call associated with its identification by sending a packet containing the same call identifier replaced with an identifier of the originating switch 1 as spoken of on column 3, lines 63-67.

Regarding claim **23**, "wherein the switch only internally uses the receive flag of the received signaling message" is anticipated by terminating toll switch 2 that in response to receipt of initial address message (IAM) 40, returns an IAM acknowledgement containing the same call ID as well as an added field IP 2 47 (receive flag) indicating the IP address of the terminating toll switch 2 as shown in Figure 1 and spoken of on column 3, lines 45-50.

Regarding claim **24**, "wherein the receive flag is an internal flag of the switch and is not transmitted with the signaling message from the switch" is anticipated by terminating toll switch 2 that in response to receipt of initial address message (IAM) 40 (signaling message), returns an IAM acknowledgement containing the same call ID as well as an added field IP 2 47 (receive flag) indicating the IP address of the terminating toll switch 2 as shown in Figure 1 and spoken of on column 3, lines 45-50.

Regarding claim **25**, "wherein the receive flag is an instruction instructing a processor of the switch to process the signaling message" is anticipated by terminating toll switch 2 that in response to receipt of initial address message (IAM) 40, returns an

IAM acknowledgement containing the same call ID as well as an added field IP 2 47 (instruction) indicating the IP address of the terminating toll switch 2 as shown in Figure 1 and spoken of on column 3, lines 45-50.

Response to Arguments

5. Applicant's arguments filed 4/10/07 have been fully considered but they are not persuasive.

Regarding claim **1**, Applicant argues that *Dunn* does not disclose a receiver for adding a receive flag to the received signaling message that indicates that the signaling message has been received. Applicant further argues that *Dunn* adds an IP address to a message rather than a flag as claimed.

However, the IP address added by *Dunn* to the IAM acknowledgment indicates to the originating access switch 1 that the IAM message was received by terminating access switch 2 since the added IP address is the IP address of terminating access switch 2. It is held that the IP address can be considered a flag.

Although the IP address is not physically added to the IAM message sent from originating access switch 1, the IP address is added to the IAM ACK message which contains the same call ID information as the IAM message as spoken of on column 3, lines 39-50. It is held that this teaching can be broadly construed to mean adding a receive flag to the received signaling message, as the IP address of terminating access switch 2 is added to the call ID information provided in the IAM message sent from originating access switch 1.

Regarding claim **3**, Applicant argues that *Dunn* does not disclose a receive flag that is a specified constant. Applicant further argues that the IP address of *Dunn* varies from message to message depending on the address of the switch and is not constant as claimed.

However, in the example provided in Figure 1 of *Dunn*, the IP address added to the IAM ACK message can be considered a specified constant as this IP address is specified for a specific switch (terminating access switch 2). Using this interpretation, it is held that *Dunn* teaches a receive flag that is a specified constant.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J. Moore, Jr. whose telephone number is (571)

272-3168. The examiner can normally be reached on Monday-Friday (7:30am - 4:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wing F. Chan can be reached on (571) 272-7493. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Michael J. Moore, Jr.
Examiner
Art Unit 2616

mjm MM

6/22/07

WING CHAN
SUPERVISORY PATENT EXAMINER